

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.11.2015

CORAM

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

Contempt Petition No. 3163 of 2014

in

W.P. No. 5680 of 2009

M/s. Hindustan Engineering Training Centre,
represented by its Registrar
40, GST Road, St. Thomas Mount,
Chennai 600016.

...Petitioner

Vs.

Dr. V.K.Shanmugam I.A.S.,
District Collector
Kanchipuram.

...Respondent

PRAYER: This petition is filed under Article 226 of the Constitution of India praying to punish the respondent for willful disobedience of the order of this Court dated 29.11.2013 passed by this Court in W.P. No. 5680 of 2009.

For Petitioner	:	Mr.Kandhan Doraisami
For Respondent	:	Mrs.P.Rajalakshmi, Government Advocate

ORDER

This contempt petition has been filed by the petitioner to punish the respondent for willful disobedience of the order of this Court dated 29.11.2013 passed by this Court in W.P. No. 5680 of 2009, by which the respondent was directed to pass appropriate orders in a time bound manner.

2. In the counter affidavit filed by the respondent, it has been stated as follows;

'6. I humbly submitted that the Additional Chief Secretary/Commissioner of Land Administration, seeks some clarification in the proposal vide Lr.No. 26440/F2/2010 dated 31/10/2012, the District collector forwarded the letter to the Tahsildar, Alandur and Revenue Divisional Officer, Tambaram to give proper report based on the letter

of the Additional Chief Secretary/Commissioner of Land Administration.

7. It is humbly submitted that the petitioner has filed this Contempt petition No. 3263 of 2014 for non-compliance of the order dated 29/11/2013 in W.P. No. 5680 of 2009 before this Hon'ble Court. Originally the inquiry was conducted by the District Collector, Kancheepuram on 22/12/2014 at 4 p.m. At the time of enquiry the petitioner/respondent in the writ petition sought three days time to file a written statement from their side and filed it on 26/12/2014.

8. It is humbly submitted that the District Collector, Kancheepuram has send necessary proposal to the Government through Additional Chief Secretary/Commissioner of Land Administration based on G.O.Ms.No. 557, Revenue Department dated 07/09/1994 with the clarification sought for along with the report of the Tahsildar, Alandur.

9. It is submitted that the respondent has no role to implement the order passed by this Hon'ble Court. Originally the Government of Tamil Nadu is the authority to pass order. Since the respondent is not in a position to comply the order, hence the respondent Collector has not committed any contempt against the order passed by this Court.'

3. Accordingly, from the above averments, it is clear that the respondent has sent his proposal to the Government of Tamil Nadu, being the competent authority to pass appropriate orders. Thus, this Court does not find any wilful disobedience on the part of the respondent in the

order dated 29.11.2013 passed by this Court in W.P. No. 5680 of 2009. However, since the Government of Tamil Nadu is the competent authority, a direction is hereby issued to The Secretary, Revenue Department, Government of Tamil Nadu, Fort St. George, Chennai, to pass appropriate order on the proposals sent by the Collector in RC No. 1336/2001/N2 dated 06.08.2009 and the subsequent clarification given in pursuance of the letter dated 31.08.2012, signed by the Additional Chief Secretary/Commissioner of Land Administration within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner. Accordingly, the contempt petition is closed.

rms

SD/

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

सत्यमेव जयते

COURT OFFICER(O.S.)

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RLD/CO/8/12/2015

One CC to M/s.Muthumani Doraisami, Advocate, SR.14554

To

1.Dr. V.K.Shanmugam I.A.S.,
District Collector
Kanchipuram.

2.The Secretary,
Revenue Department,
Government of Tamil nadu,
Fort St.George, Chennai